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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,019	07/21/2003	Shinobu Kuriya	09812.0359-00000	5079

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EXAMINER

OKORONKWO, CHINWENDU C

ART UNIT	PAPER NUMBER
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2436

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10/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/624,019	Applicant(s) KURIYA ET AL.	
	Examiner CHINWENDU C. OKORONKWO	Art Unit 2136	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See explanation in item 11. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-3, 4-7, 9-12, 14-16, 18-21, 23-25 and 27.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Nasser G Moazzami/
 Supervisory Patent Examiner, Art Unit 2136

Continuation of 7: In response to the Applicant arguments regarding the amended claims that the Inoue and Spagna references do not teach or suggest a means for transmitting a restoring request for usage right identifying information using backup data, the Examiner respectfully disagrees citing column 8 lines 24 - 30 of Inoue which recites, "content distribution request [which] is a command from the terminals in each home (the parent terminal 140 and the child terminal 150) to request the content distribution server 130 to distribute a content desired by the user, and includes mainly an ID or an Internet address of the terminal which makes the request and an ID of the requested content." Examiner further cites column 8 lines 17 lines 22-30 which recites, "content distribution server 130 is a computer system such as a broadcasting station or a Web site on the Internet, which encrypts a content received from a content producing company to store it and sends an encryption key to the right management server 110, and distributes the encrypted content in response to a user's content distribution request." Therefore it is understood that the content distribution request is transmitted from the terminals requesting content to the content distribution server which responds by sending a key to the right management server, which allows for the encrypted content to be distributed. This understanding is supported by column 5 lines 42-44 of Inoue which discloses a "right management server [which] issues a license ticket that is information for allowing a user to use a content in response to a license ticket issuance request from the user." Further the Examiner cites column 9 lines 29-36, which recites, "The license ticket storage unit 153 is a storage area for storing license tickets which need not be consumed right away among the issued license tickets." Therefore it is understood that the argued lack of support or disclosure of a "backup storage" that is used to hold and dispense right usage information is unfounded, as Inoue provides support here of a "license ticket storage unit" which is a "storage area for storing license tickets which need not be consumed right away" which reads upon the argued "backup data" or by definition data that is from or a copy of the original data that still exists, as this disclosed "license ticket storage unit" holds or stores "license tickets" which comprise right usage information that is from or "among the issued license tickets" and is thus equated to the claimed "backup data."

The Applicant argues the same limitation in different parts and in whole six times in the After Final Amendment Remarks/Arguments (09/16/2008), for which this is a response. The Examiner has responded to the argument as a whole, as an argument-for-argument response would be redundant.

Continuation of 11. does NOT place the application in condition for allowance because: In response to the arguments regarding claim 6, which has essentially not been amended (no substantial amendments so as to change scope or meaning of the claim) the Examiner respectfully maintains the rejection. Regarding the argument that the independent claim 6 is allowable over Inoue and Spagna "for at least the same reasons as claim 1," the Examiner directs Applicant to the response above in the Continuation of Section 7.

Thus the rejection has not been overcome and any further reconsideration of the arguments and claims would require further consideration of the reference of record and possibly a new search.